

PATENT

REMARKS**DISCUSSION OF SPECIFICATION**

In response to the Office Action, a section entitled "Cross-Reference to Related Applications" has been added to the specification to comply with 35 U.S.C. §120. The specific reference includes the relationship between the present application. Applicants respectfully request acceptance of the amended specification.

DISCUSSION OF CLAIMS

In the Office Action, claims 3 and 5-8 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 5,893,883 to Torgerson et al.

In response thereto, claims 3 and 5 have been amended and new claims 10-16 have been added. Accordingly, claims 1-16 are now pending. Following is a discussion of the patentability of each of the pending claims.

Preliminary Matter

In response to the rejections under 35 U.S.C. §112, second paragraph, the following amendments have been made:

claim 3, line 4, "the" has been replaced with --a--; and

claim 5, line 8, "the" has been replaced with --a--.

Independent Claim 1

Claim 1 recites an implantable medical device comprising a parameter storage unit, a receiver, and a controller. The parameter storage unit is operative to store parameter data corresponding to at least two operating configurations. The receiver is operative to receive communication signals from an external device. The controller controls the operation of the implantable medical device according to a selected one of the operating

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configurations, wherein the controller is responsive to receipt of a reset signal by the receiver to retrieve parameter data from the parameter storage unit corresponding to another of the operating configurations and to implement the parameter data to change the operating configuration.

Torgerson et al. discloses a stimulation device for screening therapeutic effects from electrical stimulation of tissue. The stimulation device is portable to allow the user to adjust stimulation signal parameters and to input a rating of therapeutic effect during normal daily activities. In one embodiment, the stimulation device includes a "reset" function that allows the setting to return to a preset setting. The preset setting may be either a setting preprogrammed by the physician or clinician or a level set by the patient.

Torgerson et al. does not disclose or suggest an implantable medical device comprising a parameter storage unit and a controller that controls the operation of the implantable medical device according to a selected one of the operating configurations, wherein the controller is responsive to receipt of a reset signal by the receiver to retrieve parameter data from the parameter storage unit corresponding to another of the operating configurations and to implement the parameter data to change the operating configuration. In Torgerson et al., the screening system comprises an implanted portion and an external portion. The implanted portion includes a pulse generator (108) and leads (102), and the external portion includes a stimulation signal programmer (110). The stimulation signal programmer communicates with the implantable pulse generator by antenna (112) or by direct connection. It appears that a parameter storage unit and a controller are disposed within the stimulation signal programmer and is not part of the implanted portion. Column 9, lines 36-38 states: "... the user can easily carry around the stimulation device of the present invention during normal daily activities. The stimulation device can be put inside a pocket, or can be attached to a key chain, or can be attached to a belt."

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance.

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Dependent Claims 2-4 and 10-13

Claims 2-4 and 10-13 depend from claim 1 and are similarly patentable.

Moreover, claim 10 recites that the at least two operating configurations comprises at least three operating configurations. Torgerson et al. discloses a stimulation device which is limited to storing not more than two operating configurations, a current programming state and another programming state. In contrast to claim 10 where a selection of operating configurations is available during a "reset", the stimulation device disclosed in Torgerson et al. is limited to a single operating configuration during a "reset" (see column 3, lines 1-3: "...the stimulation device includes a "reset" function that allows the settings to return to a preset setting from whatever their current setting is.").

Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 5

For at least the same reasons discussed above with regards to claim 10, it is respectfully submitted that claim 5 is in condition for allowance.

Dependent Claims 6-8 and 13-15

Claims 6-8 and 13-15 depend from claim 5 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

Independent Claim 9

For at least the same reasons discussed above with regards to claim 10, it is respectfully submitted that claim 9 is in condition for allowance.

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Dependent Claim 16

Claim 16 depends from claim 9 and is similarly patentable. Accordingly, it is respectfully submitted that claim 16 is in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

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